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**CITY OF CONCORD**  
*New Hampshire's Main Street™*  
**Community Development Department**  
**Planning Division**

**Staff Report for Planning Board**

**Meeting on February 19, 2025**  
**Project Summary – Minor Subdivision**

Project: 12 Tahanto St and 11 Summit St lot line adjustment (2024-085)  
Property Owner: Michael G. and Eileen M. Gfroerer  
Applicant: Michael G. Gfroerer  
Property Address: 12 Tahanto St and 11 Summit St  
Tax Map Lot: 7322Z 50 and 7322Z 51

**Determination of Completeness:**

At the applicant's request, the Planning Board voted to continue the determination of completeness for this application from December 18, 2024, to a date certain of January 15, 2025.

At the applicant's request, the Planning Board voted to continue the determination of completeness for this application from January 15, 2025, to a date certain of February 19, 2025.

Per Section 9.06 *Determination of Completeness* of the Subdivision Regulations, a completed application will contain the required information listed in Section 15.01 *Required Information* and Section 15.02 *Plat Requirements* of the Subdivision Regulations and will be legible and competently prepared. In making a determination of completeness, the Board shall consider the written recommendation of the Planning Division, as well as any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.** If the application is determined complete, the Board shall open the public hearing on the application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

Section 35.16(1) *Determination of Completeness* of the Subdivision Regulations provides additional language regarding the determination of completeness, and states that a completed application shall contain all required information for each stage of the application process; shall be legible and properly prepared; shall accurately portray existing conditions; shall be accompanied by copies of special investigative studies; and shall contain sufficient information and detail for a full review and action by the Board.

The Planning Division reviewed the application for completeness based upon the criteria of the Subdivision Regulations and concludes that all criteria have been met, and that the application contains sufficient information and detail for a full review and action by the Board.

**Based upon the Planning Division's review of the application, the Planning Division recommends that the Board move to:**

- **Determine the application complete;**
- **State that the project does not meet the criteria for a development of regional impact per RSA 36:55; and,**
- **Open the public hearing.**

If the Board chooses to deem the application incomplete, the Planning Division recommends that the Board move to:

- Determine that the application is incomplete because the project as submitted does not meet Section 12, Section 13, and Section 15 of the Subdivision Regulations, all of which are necessary for a complete determination; and,
- State that the application may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

The Board has 65 days within which to consider and act on the application once the application is determined complete, per New Hampshire RSA 676:4(I)(c). The 65-day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete. If the Board determines the application complete on February 19, 2025, then the 65-day review period would end on **April 25, 2025**. If the applicant has not demonstrated compliance with the Subdivision Regulations by the end of the statutory timeline (**April 25, 2025**), the applicant may request a postponement or the Board may approve, approve conditionally, or deny the application based on the information provided.

### **Project Description:**

The applicant is seeking minor subdivision approval, and multiple waiver requests, for a lot line adjustment between 12 Tahanto Street and 11 Summit Street in the Neighborhood Residential (RN) District.

### **Compliance:**

The following analysis of compliance with the Zoning Ordinance and Subdivision Regulations is based on a 1-page narrative, undated; a 1-sheet condominium plat, dated November 15, 2024, prepared by H.H. Amsden & Sons; and an email correspondence requesting waivers from certain sections of the Subdivision Regulations received on December 31, 2024, sent by Michael Gfroerer.

### **1. Project Details and Zoning Ordinance Compliance:**

Zoning District: Neighborhood Residential (RN) District

Existing Use: Single family residential

Proposed Use: Single family residential

#### **Overlay Districts:**

Flood Hazard (FH) District None

Shoreland Protection (SP) District None

Historic (HI) District None

Penacook Lake Watershed (WS) District None

Aquifer Protection (AP) District None

<b>Zoning Code Item</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Total Area	10,000 square feet	12 Tahanto: 6,510 square feet 11 Summit: 5,034 square feet	12 Tahanto: 7,625 square feet 11 Summit: 3,915 square feet

Minimum Buildable Land	5,000 square feet	12 Tahanto: Not Provided 11 Summit: Not Provided	12 Tahanto: Not Provided 11 Summit: Not Provided
Minimum Lot Frontage	80 feet	Not provided and unchanged	Not provided and unchanged
Minimum Front Yard	15 feet	Not provided and unchanged	Not provided and unchanged
Minimum Rear Yard	25 feet	12 Tahanto: 6-feet +/- 11 Summit: Not Provided	12 Tahanto: 20.5 feet 11 Summit: 6.07 feet
Minimum Side Yard	10 feet	Not provided and unchanged	Not provided and unchanged
Maximum Lot Coverage	50%	12 Tahanto: 31.1% 11 Summit: 45.1%	12 Tahanto: 17.9% 11 Summit: 78.3% +/-

- 1.1 Staff determined that the application as submitted conforms with the Zoning Ordinance.

**2 Subdivision Regulations Compliance and Comments:**

- 2.1 Per Section 2.02, land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities, open space, public safety services, and transportation facilities exist and proper provisions have been made for stormwater drainage, sewage disposal, potable water supply, and capital improvements such as schools, parks, recreation facilities, transportation improvements, and public safety facilities.
- 2.2 Per Section 2.03, the existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan and Official Map of the municipality, and it is intended that the regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing code, health codes, and zoning ordinances.
- 2.3 Staff notes that, per Section 4.04, the Subdivision Regulations shall apply to re-subdivisions, minor lot line adjustments, and condominiums. Since the applicant is requesting approval for a minor lot line adjustment, the Subdivision Regulations apply.
- 2.4 Per Section 6.01(4) *Conformity with Zoning*, for an application to be determined complete, the proposed application must be in conformity with the Zoning Ordinance at the time the notices are mailed to the abutters notifying them of the Board's consideration of completeness. Notices were mailed on December 2, 2024, for the Board's consideration of completeness on December 18, 2024.
- 2.5 Staff notes that, per Section 6.01(5) *Conditional Use Permits*, where conditional use permits are required in conjunction with a proposed subdivision, a completed conditional use permit application shall be made at the same time as the subdivision application. Where a conditional use permit is required, no subdivision application may be considered complete without a complete conditional use permit application.

The project does not require any conditional use permit applications, and no conditional use permit applications were submitted.

- 2.6 Section 6.02 *Classification of Subdivisions* identifies the classification of subdivisions as minor or major subdivisions. Subdivisions not classified as a minor subdivision shall be major subdivisions. Existing developments proposed for conversion to condominiums, where there will be no change in the use of land and no change in the site layout shall be classified as minor

subdivisions. Developments proposed for conversion to condominiums involving a change of use of the land or a change in the site layout shall be classified as major subdivisions.

Staff notes that the site is an existing development, there will be no change in the use of land, and there will be no change in the site layout; therefore, the subdivision application shall be classified as a minor subdivision by the Clerk.

- 2.7 Per Section 9.02 *Minor Subdivision Application Requirements*, the applicant shall file certain items for a completed application. These items are a completed application form endorsed by the owner or submitted by the owner's agent with written authorization from the owner; application fee; abutters list; copies of the final plat meeting the requirements in Section 15 *Minor Subdivision Requirements*; complete conditional use permit applications, where applicable; copies of permit applications to state and federal agencies, where applicable; and, any requests for waivers from Subdivision Regulations as set forth in Section 35.11 *Waiver Petition*.

Staff notes that the application form, owner authorization, application fee, and abutters list were submitted as required. An assessment of compliance with Section 15 *Minor Subdivision Requirements* follows. No conditional use permit applications were required. No permit applications to state and federal agencies are necessary.

- 2.8 Per Section 12.01 *Research*, applicants shall familiarize themselves with all city, state, and federal regulations relative to zoning, subdivision, land sales, utilities, drainage, health, buildings, roads, and other pertinent data so that the applicants are aware of the obligations, standards expected, and documents to be submitted.
- 2.9 The Engineering Division reviewed the application and provided the following comments:
- a. On October 18, 2023, the Planning Board approved a lot line adjustment, and on April 10, 2024, the plat was recorded at the Merrimack County Registry of Deeds, Plan Number 202400004433. The lots continue to be in the same ownership and a deed conveying a portion of Map 7322Z, Lot 51 to Map 7322Z, Lot 50, has not yet been recorded.
  - b. Within the plan view for 7322Z 51, change the text size of the before-and-after areas.
  - c. Within the plan view, indicate the easterly right-of-way line of Summit Street.
  - d. Within the plan view, indicate the right-of-way width of Tahanto Street.
- 2.10 The Fire Department reviewed the application and had no comments.
- 2.11 The Assessing Department reviewed the application and noted that the deeds should be updated to show the new metes and bounds.
- 2.12 The General Services Department reviewed the application and had no comments.

**The following items from Sections 12, 13, and 15 of the Subdivision Regulations appear to be missing from the application, all of which are minimum components necessary to determine the application complete.**

- 2.13 Section 15.01(1) and Section 15.01(2) require all items set forth in Section 12 *General Requirements for All Drawings*, Section 13.01 *All Applications*, and Section 13.02 *Documentation Required Prior to Recording of Plans*. Information missing from those sections is noted below in numbers 2.13 through 2.42.

- 2.14 Section 12.02(1)(d) *Title Block* requires that the name, address, seal, and signature of the licensed professional who prepared the plat be included in the title block. The signature and seal of the licensed professional is missing and shall be added.
- 2.15 Section 12.02(3) *Standard Notes* requires listing the notes set forth in Appendix B. The plat does not appear to contain all information as required by Appendix B, including required tabulations for useable and buildable land area, and notes in regard to existing and proposed easements for 12 Tahanto to access through 11 Summit Street.
- 2.16 Section 12.02(4) *Conditions of Planning Board Approval* requires listing conditions of approval which remain to be fulfilled after plat recording. The plat does not appear to contain any notes regarding subsequent conditions of approval. This requirement can be satisfied by adding a note that states: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-085.”
- 2.17 Section 12.03(5) *Wetland* requires that wetland boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign and seal the plan upon which the wetland boundaries are mapped. If the site does not contain any wetlands, a note needs to be added to the plat stating that the site does not contain any wetlands.
- 2.18 Section 12.06(2) *Easements* requires showing on the plat the plan or deed references for recorded easements for the purposes of providing access, utilities, and drainage. The plat references a 15-foot right-of-way reserved for lot 7322Z 50, but does not reference or establish a documented easement, or intent to convey an easement. This information shall be added to the plat. If no intent to convey an easement exists, then one shall be created, reviewed by staff in accordance with Section 13.02 of the Subdivision Regulations, and recorded as part of this lot line adjustment.
- 2.19 Section 12.06(4) *Prior Subdivisions or Surveys* requires that the plat include plan references for prior recorded subdivisions or surveys on the properties proposed for subdivision or abutting said properties proposed to be subdivided. The plat appears to be missing this required information and shall be added for the lot line adjustment between these properties recorded on April 10, 2024, with the Merrimack County Registry of Deeds Document 202400004433.
- 2.20 Section 12.07 *Wetland Delineations* requires that the existing conditions plan and the subdivision plat contain the signature and seal of the New Hampshire certified wetland scientist who performed the wetland delineation, as well as the date of the wetland delineation. This required information appears to be missing from the plat. If the site does not contain any wetlands, a note needs to be added stating that the site does not contain any wetlands.
- 2.21 Section 12.08 *Existing Conditions Plan* states existing conditions may be shown on the final plat for a minor subdivision, if the existing and new information can be legibly and clearly shown. The text font and size of the before and after areas for Tax Map 7322Z 51 are inconsistent with the rest of the plat and are difficult to read and shall be revised to match the before and after areas for Tax Map 7322Z 50.
- 2.22 Section 12.08(2) *Abutters* requires that the full names and addresses of all property owners and abutters be shown on the existing conditions plan, including the tax assessor’s map block lot number for each parcel. This information appears to be missing for the abutter with the property address of 7 Tahanto Street and shall be added.
- 2.23 Section 12.08(6) *Community Features* requires that the existing adjacent public buildings, parks, open space, and any historic structures or features be shown on the existing conditions plan. This information appears to be missing from the existing conditions plan. If there are no existing

- adjacent community features, a note needs to be added to the existing conditions plan stating that there are no existing adjacent public buildings, parks, open spaces, or historic structures or features.
- 2.24 Section 12.08(9) *Easements or Right-of-way* requires that the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision be shown on the existing conditions plan. This required information appears to be missing from the existing conditions plan. Specifically, a 15-foot right-of-way reserved to P/L of Tax Map 7322Z 50 is called out, but the purpose is not stated.
- 2.25 Section 12.08(9) *Easements or Right-of-way* requires the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision. This information is missing. Specifically, the easterly right-of-way line of Summit Street shall be shown and dimensions be added to the right-of-way width of Tahanto Street.
- 2.26 Section 12.08(14) *Aquifers* requires that the existing location plan show the boundaries and label for each water systems protection area. This information appears to be missing from that plan. If the site does not contain any water system protection area, a note shall be added to the existing conditions plan stating that the site does not contain any water systems protection areas.
- 2.27 Section 12.08(15) *Shoreland Protection* requires that the existing conditions plan show the boundaries and label for the shoreland protection overlay district and the natural vegetative and woodland buffers associated with that district. The information appears to be missing from that plan. If the site does not contain any shoreland protection overlay districts, a note shall be added to the existing conditions plan stating that the site does not contain any shoreland protection overlay districts.
- 2.28 Section 12.08(16) *Signs* requires that the location and size of existing ground signs be shown and labeled on the existing conditions plan. This required information appears to be missing from the existing conditions plan. If the site does not contain any existing ground signs, a note shall be added to the existing conditions plan stating that the site does not contain any existing ground signs.
- 2.29 Section 12.08(19) *Setbacks and Buffers* requires that setbacks and buffers shall be shown and dimensioned, including wetland buffers, shoreland protection district buffers, buffers to bluffs, and residential district buffers. This required information appears to be missing from the existing conditions plan. If the site does not require or contain any of the stated buffers, a note shall be added to the existing conditions plan stating as much.
- 2.30 Section 12.08(21) *Restrictions* requires that the existing conditions plan shall contain notations of all covenants, easements, self-imposed restrictions, and any other restrictions in place at the time of application submittal. This required information appears to be missing from the existing conditions plan. Specifically, a note referencing the 15-foot right-of-way on 11 Summit St benefiting 12 Tahanto Street shall be included on the existing conditions plan.
- 2.31 Section 12.08(23)(d) requires that the existing conditions plan show the useable land area calculations for residential development. This required information appears to be missing from the plan and shall be added.
- 2.32 Section 13.01(6) *State and Federal Permits* requires that a copy of any application made to a state or federal agency required for the approval of the subdivision, including those required for the development of the individual lots, be submitted with the application. The submittal did not include copies of any state and federal permits, nor are there any notes on the subdivision plat indicating if any state or federal permits are required. A note shall be added to the subdivision

- plat listing the required state and federal permits or stating that there no such permits are required for the subdivision.
- 2.33 Section 13.02(9) *Agreement to Convey a Private Easement* requires an agreement to convey a private easement shall be provided where easements or common facilities are to benefit the future owners of the individual lots including, but not limited to, vehicular and pedestrian access, drainage, utility, and access for maintenance purposes. The plat references a 15-foot right-of-way on 11 Summit Street but does not reference or establish a documented easement, or intent to convey an easement. This information shall be added to the plat. If no intent to convey an easement exists, then one shall be created, reviewed by staff in accordance with Section 13.02 of the Subdivision Regulations, and recorded as part of this lot line adjustment.
- 2.34 Section 15.01(3) requires that the application provide a wetland delineation and wetland buffers, where applicable. If the site does not contain any wetland or wetland buffers, a note shall be added to the subdivision plat stating as much.
- 2.35 Section 15.02(1) *Licensed Land Surveyor* requires that the final plat shall be prepared, signed, and stamped by a New Hampshire licensed land surveyor in a format suitable for filing in the Merrimack County Registry of Deeds. The plat does not appear to contain the required signature and stamp of a New Hampshire licensed land surveyor and shall be added prior to final approval.
- 2.36 Section 15.02(3) *Scale* lists the allowed scales. The plat is drawn at 1" = 10', which is not one of the listed allowed scales and shall be revised to a scale of 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60'.
- 2.37 Section 15.02(10) *Easements and Restrictions* requires notations of all easements, covenants, and restrictions. The plat references a 15-foot right-of-way on 11 Summit Street but does not reference or establish a documented easement, or intent to convey an easement. This information shall be added to the plat. If no intent to convey an easement exists, then one shall be created, reviewed by staff in accordance with Section 13.02 of the Subdivision Regulations, and recorded as part of this lot line adjustment.
- 2.38 Section 15.03(2) *Dimensions* requires that the plat show the dimensions and bearings of all existing property lines and new property lines to be created, with property to be removed clearly distinguished from all new and remaining property lines. The plat does not clearly identify the 14.13-foot property line with a bearing of S 88°17'11"E as to be removed, nor does it clearly state the 70.36-foot property line with a bearing of S03°03'59"W as a new property line. Both lines shall be shown and labeled accordingly.
- 2.39 Section 15.03(3) *Tabulations* requires that the plat show the areas of each lot in square feet and/or acres for new and existing lots, with the area of contiguous buildable land noted for each lot and shown on the plat drawing. This information appears to be missing from the plat. Specifically, the area of contiguous buildable land for each lot shall be added.
- 2.40 Section 15.03(5) *Monumentation* requires the type and location of existing and required monuments be shown on the plat at the corners of lots, points of curvature, tangency, and deflection points along the street rights-of-way. This required information appears to be missing from the plat. Specifically, the new monument required to be set along the southern side of the new property line is not clearly identified as needing to be set as required.
- 2.41 Section 15.03(16) *Easements* requires that the location, width, and metes and bounds description of all existing and proposed easements and other rights-of-way, except slope and temporary grading and construction easements, be shown on the plat. This required information appears to

be missing from the plat. Specifically, the metes and bounds description of the 15-foot right-of-way called out on 11 Summit St benefiting 12 Tahanto Street is missing, and shall be added.

- 2.42 Section 15.03(17) *Conditions of Approval* requires that the conditions of approval as set forth by the Planning Board which remain to be fulfilled after the recording of the plat shall be duly noted on the plat. This required information appears to be missing from the plat, and can be satisfied with a note stating: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-085.”

### **3 Variances:**

- 3.1 At the meeting held on July 10, 2024, the Zoning Board of Adjustment granted the applicant’s requested variances as follows:

12 Tahanto St:

- Article 28-4-1(h) *Table of Dimensional Regulations*, to allow a rear setback of 20.5-feet where 25-feet is required.
- Article 28-4-1(h) *Table of Dimensional Regulations*, to allow a lot size of 3,968-square-feet where 10,000-square-feet is required.

11 Summit St:

- Article 28-4-1(h) *Table of Dimensional Regulations*, to allow a rear setback of 6-feet where 25-feet is required.
- Article 28-4-1(h) *Table of Dimensional Regulations*, to allow a lot size of 7,531-square-feet where 10,000-square-feet is required.

- 3.2 At the meeting held on January 8, 2025, the Zoning Board of Adjustment granted the applicant’s requested variance to allow 78.3 % lot coverage, where a maximum of 50% is required at 11 Summit St.

### **4 Waivers:**

- 4.1 The applicant requests waivers from the following sections of the Subdivision Regulations:

- a. Section 12.02(3) *Standards Notes*, to allow the plan to reference waivers granted for a previous lot line adjustment at this site (Case 2023-136);
- b. Section 12.08(3) *Topography*, to not provide existing topographic conditions;
- c. Section 12.08(4) *Soils*, to not provide the identification and classification of the extent and type of soils, using the USDA Natural Resources Conservation Service system;
- d. Section 12.08(7) *Buildings and Structures*, to not provide exterior dimensions to buildings and structures;
- e. Section 12.08(10) *Municipal Utilities*, to not provide the location, size, material, and type of municipal utilities currently serving the subdivision, including all structures, valves, hydrants, meters, and other appurtenances to be shown on the plan;
- f. Section 12.08(11) *Non-municipal Utilities*, to not provide the location, type, and size, where applicable, of the non-municipal utilities currently serving the subdivision;
- g. Section 12.08(20) *Existing Vegetation*, to not provide the location, type, and size of existing trees on the site;
- h. Section 12.08(22) *Abutting Properties*, to not provide existing abutting buildings and driveways to be shown on the plan;



- i. Section 15.03(1) *Abutting Property*, to not provide existing abutting buildings and driveways to be shown on the plan;
- j. Section 15.03(4) *Topography*, to not provide the existing topographic conditions and all proposed changes in ground elevation at a contour interval of two feet be shown on the plat;
- k. Section 15.03(11) *Municipal Sewer*, to not provide existing sanitary sewer location, type, and material on the subdivision plan;
- l. Section 15.03(13) *Municipal Water Supply*, to not provide existing location, type, and size of municipal water services on the subdivision plan; and,
- m. Section 15.03(15) *Utilities*, to not provide location and size of all non-municipal utilities on the subdivision plan.

The applicant provided an analysis of the five waiver criteria listed in Section 35.08 of the Subdivision Regulations

Staff reviewed the evidence submitted and **supports** the waiver requests in Item 4.1(b) through (m).

Staff reviewed the evidence submitted and **does not support** the waiver request of Item 4.1(a), noting that the materials provided do not meet the burden of proof for Section 35.08.

**5 Conditional Use Permits:**

- 5.1 No conditional use permits are requested.

**6 Architectural Design Review**

- 6.1 Architectural Design Review is not necessary for this application.

**7 Conservation Commission:**

- 7.1 No appearances before the Conservation Commission are necessary for this application.

**8 Recommendations:**

- 8.1 Staff recommends that the Planning Board discuss and adopt the findings of fact, which include: information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and, other documents or materials provided in the public hearing.

Based on the adopted findings of fact, staff recommends that the Planning Board make the motions outlined below:

- 8.2 **Grant the waiver requests below** from the listed sections of the Subdivision Regulations, using the criteria of RSA 674:36(II)(n)(2) and Section 35.08 of the Subdivision Regulations:

- a. Section 12.08(3) *Topography*, to not provide existing topographic conditions;
- b. Section 12.08(4) *Soils*, to not provide the identification and classification of the extent and type of soils, using the USDA Natural Resources Conservation Service system;
- c. Section 12.08(7) *Buildings and Structures*, to not provide exterior dimensions to buildings and structures;
- d. Section 12.08(10) *Municipal Utilities*, to not provide the location, size, material, and type of municipal utilities currently serving the subdivision, including all structures, valves, hydrants, meters, and other appurtenances to be shown on the plan;

- e. Section 12.08(11) *Non-municipal Utilities*, to not provide the location, type, and size, where applicable, of the non-municipal utilities currently serving the subdivision;
  - f. Section 12.08(20) *Existing Vegetation*, to not provide the location, type, and size of existing trees on the site;
  - g. Section 12.08(22) *Abutting Properties*, to not provide existing abutting buildings and driveways to be shown on the plan;
  - h. Section 15.03(1) *Abutting Property*, to not provide existing abutting buildings and driveways to be shown on the plan;
  - i. Section 15.03(4) *Topography*, to not provide the existing topographic conditions and all proposed changes in ground elevation at a contour interval of two feet be shown on the plat;
  - j. Section 15.03(11) *Municipal Sewer*, to not provide existing sanitary sewer location, type, and material on the subdivision plan;
  - k. Section 15.03(13) *Municipal Water Supply*, to not provide existing location, type, and size of municipal water services on the subdivision plan; and,
  - l. Section 15.03(15) *Utilities*, to not provide location and size of all non-municipal utilities on the subdivision plan.
- 8.3 **Deny the waiver request below** from the listed section of the Subdivision Regulations, because the request does not meet the criteria of RSA 674:36(II)(n)(1) or (2) or Section 35.08 of the Subdivision Regulations.
- a. Section 12.02(3) *Standards Notes*, to allow the plan to reference waivers granted for a previous lot line adjustment at this site (Case 2023-136); and,
- 8.4 **Grant minor subdivision approval** for the lot line adjustment between 12 Tahanto St and 11 Summit St, as submitted, subject to the following precedent and subsequent conditions:
- (a) **Precedent Conditions** – to be fulfilled within one year and prior to signature of the final plat by the Planning Board Chair and Clerk, unless otherwise specified:
    - 1. For compliance with the Subdivision Regulations, revise the plat as follows:
      - a. Per Section 12.02(1)(d) *Title Block* and Section 15.02(1) *Licensed Land Surveyor*, the signature and seal of the licensed professional who prepared the subdivision plan is missing and shall be added to the subdivision plan.
      - b. Per Section 12.02(3) *Standard Notes*, tabulations for useable and buildable land area, and notes in regard to existing or proposed easements for 12 Tahanto to access through 11 Summit Street shall be added to the subdivision plan.
      - c. Per Section 12.02(4) *Conditions of Planning Board Approval* and Section 15.03(17) *Conditions of Approval*, a note shall be added listing conditions of approval which remain to be fulfilled after plat recording. This requirement can be satisfied by adding a note that states: “The development is subject to all subsequent conditions of Planning Board approval from Case 2024-085.”
      - d. Per Section 12.03(5) *Wetland*, Section 12.07 *Wetland Delineations* and Section 15.01(3), wetland boundaries shall be delineated by a New Hampshire certified wetland scientist who shall sign, seal and date the plan upon which the wetland boundaries are mapped. If the site does not contain any wetlands, a note needs to be added to the plat stating that the site does not contain any wetlands.
      - e. Per Section 12.06(2) *Easements*, the established and documented easement, or intent to convey an easement, for the 15-foot right-of-way reserved for lot 7322Z 50 shall be noted on the plan. If no easement, or intent to convey an easement exists, then one

- shall be created, reviewed by staff in accordance with Section 13.02 of the Subdivision Regulations, and recorded as part of this lot line adjustment.
- f. Per Section 12.06(4) *Prior Subdivisions or Surveys*, the previously recorded subdivision for the lot line adjustment between these properties recorded on April 10, 2024, with the Merrimack County Registry of Deeds Document 202400004433 shall be referenced and noted accordingly on the plat.
  - g. Per Section 12.08 *Existing Conditions Plan*, the text font and size of the before and after areas for Tax Map 7322Z 51 are inconsistent with the rest of the plat and are difficult to read and shall be revised to match the before and after areas for Tax Map 7322Z 50.
  - h. Per Section 12.08(2) *Abutters*, the full owners name, owners address, property address and tax assessor's map block lot number for the abutting property of 7 Tahanto Street shall be added to the plan.
  - i. Per Section 12.08(6) *Community Features*, existing adjacent public buildings, parks, open space, and any historic structures or features shall be shown on the plan. If there are no existing adjacent community features, a note needs to be added to the plan stating that there are no existing adjacent public buildings, parks, open spaces, or historic structures or features.
  - j. Per Section 12.08(9) *Easements or Right-of-way*, the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision shall be added to the plan. Specifically, the 15-foot right-of-way reserved to P/L of Tax Map 7322Z 50.
  - k. Per Section 12.08(9) *Easements or Right-of-way*, the location, dimensions, and purpose of any easements or rights-of-way within or adjacent to the subdivision shall be added to the plan. Specifically, the easterly right-of-way line of Summit Street shall be shown and dimensions be added to the right-of-way width of Tahanto Street.
  - l. Per Section 12.08(14) *Aquifers*, the plan shall show the boundaries and label for each water systems protection area. If the site does not contain any water system protection area, a note shall be added to the existing conditions plan stating that the site does not contain any water systems protection areas.
  - m. Per Section 12.08(15) *Shoreland Protection*, the plan shall show the boundaries and label for the shoreland protection overlay district and the natural vegetative and woodland buffers associated with that district. If the site does not contain any shoreland protection overlay districts, a note shall be added to the existing conditions plan stating that the site does not contain any shoreland protection overlay districts.
  - n. Per Section 12.08(16) *Signs*, the location and size of existing ground signs shall be shown and labeled on the plan. If the site does not contain any existing ground signs, a note shall be added to the existing conditions plan stating that the site does not contain any existing ground signs.
  - o. Per Section 12.08(19) *Setbacks and Buffers*, setbacks and buffers shall be shown and dimensioned on the plan, including wetland buffers, shoreland protection district buffers, buffers to bluffs, and residential district buffers. If the site does not require or contain any of the stated buffers, a note shall be added to the existing conditions plan stating as much.
  - p. Per Section 12.08(21) *Restrictions*, the plan shall contain notations of all covenants, easements, self-imposed restrictions, and any other restrictions in place at the time of application submittal. Specifically, a note referencing the 15-foot right-of-way on 11 Summit St benefiting 12 Tahanto Street shall be included on the plan.

- q. Per Section 12.08(23)(d), the plan shall show the useable land area calculations for residential development.
  - r. Per Section 13.01(6) *State and Federal Permits*, a note shall be added to the subdivision plat listing the required state and federal permits required as part of the proposed subdivision, or a note shall be added stating that there no State or Federal permits required for the subdivision.
  - s. Per Section 13.02(9) *Agreement to Convey a Private Easement* and Section 15.02(10) *Easements and Restrictions*, an agreement to convey a private easement shall be provided and noted on the plat where easements or common facilities are to benefit the future owners of the individual lots including, but not limited to, vehicular and pedestrian access, drainage, utility, and access for maintenance purposes. The plat references a 15-foot right-of-way on 11 Summit Street but does not reference or establish a documented easement, or intent to convey an easement. This information shall be added to the plat. If no intent to convey an easement exists, then one shall be created, reviewed by staff in accordance with Section 13.02 of the Subdivision Regulations, and recorded as part of this lot line adjustment.
  - t. Per Section 15.02(3) *Scale*, the subdivision plan scale shall be revised to a scale of 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60'.
  - u. Per Section 15.03(2) *Dimensions*, the plat shall show the dimensions and bearings of all existing property lines and new property lines to be created, with property to be removed clearly distinguished from all new and remaining property lines. The plat does not clearly identify the 14.13-foot property line with a bearing of S 88°17'11"E as to be removed, nor does it clearly state the 70.36-foot property line with a bearing of S03°03'59"W as a new property line. Both lines shall be shown and labeled accordingly.
  - v. Per Section 15.03(3) *Tabulations*, the plat shall show the area of contiguous buildable land for each lot.
  - w. Per Section 15.03(5) *Monumentation*, a note shall be added for the monument required to be set along the southern side of the new property line clearly identifying it as needing to be set.
  - x. Per Section 15.03(16) *Easements*, the metes and bounds description of the 15-foot right-of-way called out on 11 Summit St benefiting 12 Tahanto Street is missing and shall be added.
- 2. The plat shall list all approved variances, waivers, and conditional use permits with the section numbers and description, and date of approval.
  - 3. Prior to the recording of the plat and as required by Section 12.09 *Electronic Submission* of the Subdivision Regulations, digital information from the plat shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the City Engineer. The layers listed in Section 12.09(1) through (8) shall be submitted referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88).
  - 4. Upon notification from the Planning Division that the final plat complies with Planning Board conditions, the Zoning Ordinance, and Subdivision Regulations, the applicant shall deliver to the Planning Division one mylar, one full-size plan set, and one 11x17 plan set for endorsement by the Planning Board Chair and Clerk and subsequent recording of the mylar at the Merrimack County Registry of Deeds. Per Section 15.02(1) *Licensed Land Surveyor*, the final plat drawings shall contain the signature and stamp of the New Hampshire licensed land surveyor who prepared the plat.

5. Per Section 13.02(13) *Recording Fees*, the applicant is responsible for submittal of required recording fees.
  6. Per Section 15.02(12) *Registry Requirements*, the applicant is responsible for ensuring that the plat to be recorded complies with the current standards of the Merrimack County Registry of Deeds.
- (b) **Subsequent Conditions** – to be fulfilled as specified:
1. This approval notwithstanding, the applicant is responsible for full knowledge of, and compliance with, the municipal code, Subdivision Regulations, and Concord Construction Standards and Details for the project, unless a variance, waiver, or conditional use permit is granted.
  2. Per Section 19.04 *Monuments*, a New Hampshire licensed land surveyor shall place permanent reference monuments in the subdivision, as required by the Subdivision Regulations and as approved by the City Engineer.

Prepared by: ATB